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ABC LLC d/b/a Kids Empire and Haim Elbaz

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**DWAYNE WILLIAMS and KARLA
VARGAS,**

Plaintiffs

vs.

**ABC LLC d/b/a KIDS EMPIRE and HAIM
ELBAZ,**

Defendants

CIVIL ACTION NO.:

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to U.S.C. §§ 1331, 1441(c) and 1446, and for the sole purpose of removing this matter to the United States District Court of the District of New Jersey, Defendants ABC LLC d/b/a Kids Empire and Haim Elbaz ("Defendants") state as follows:

A. State Court Action

Plaintiffs Dwayne Williams and Karla Vargas ("Plaintiffs") originally filed this action against Defendants in the Superior Court of New Jersey, Essex County, Docket No. L-004582-22. On August 5, 2022, a copy of the Summons and Complaint was delivered to the New Jersey address of ABC LLC d/b/a Kids Empire. Annexed hereto as Exhibit "A" is a true and correct copy

of the cover letter, along with the Summons and Complaint served upon Defendants, which constitute all of the process and pleadings to date.

B. Diversity Jurisdiction

The above-captioned action is a civil action over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that:

(1) ABC LLC d/b/a Kids Empire is a limited liability corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 5015 Canyon Crest Drive, Suite 207, Riverside, CA 92507

(2) According to the facts alleged in the Complaint, Plaintiffs are presumed citizens of the State of New Jersey.

(3) In their one-count Complaint, Plaintiffs assert a claim for alleged wrongful termination of employment under the New Jersey Conscientious Employee Protection Act (N.J.S.A. 34:19-3(a)(1)).

C. Timeliness of Notice of Removal

Defendants first received notice of the Complaint when ABC LLC d/b/a Kids Empire's agent was provided the Summons and Complaint on August 5, 2022. Removal of this action is, therefore, timely under U.S.C. § 1446(b) in that this filing occurs within thirty (30) days of receipt of the Summons and Complaint.

D. Relief Requested

Defendants request that the United States District Court for the District of New Jersey assume jurisdiction over the above-captioned action and issue such further orders and processes

as may be necessary to bring before it all parties necessary for the trial of this action.

Respectfully submitted,

/s/ John E. MacDonald

John E. MacDonald (ID #011511995)

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Attorney for Defendants

ABC LLC d/b/a Kids Empire and

Haim Elbaz

Dated: August 31, 2022

CERTIFICATION OF SERVICE

I hereby certify that on this 31th day of August 2022, I filed the within Notice of Removal via ECF, and served a copy of same by email and regular mail upon Plaintiff's counsel as follows:

Jordan B. Dascal, Esq.
DASCAL LAW LLC
350 Springfield Ave., Suite 200
Summit, NJ 07901
Attorneys for Plaintiffs
Dwayne Williams and Karla Vargas

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

/s/ John E. MacDonald
JOHN E. MACDONALD